

Planning Commission Date: September 8, 2004

Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

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TITLE: "S" ZONE APPROVAL NO. SZ2003-7 AND USE PERMIT NO. UP2003-28

Proposal: A request for a commercial development consisting of 2 buildings (1 and 2 stories), associated site improvements, and a use permit for a parking reduction.

Location: 790 E. Capitol Avenue (APN 86-37-025)

RECOMMENDATION: Approval with conditions.

Applicant: Lung Hwa Associates, Attention: Li-Sheng Fu, 75 Via Malaga, Fremont, CA 94539

Property Owner: Brian Tan, 3545 Fruitvale Avenue, Oakland, CA 94602

Previous Action(s): "S" Zone approval and use permit

Environmental Info: Midtown Program EIR

General Plan Designation: Retail Sub-center

Present Zoning: General Commercial with Transit-Oriented District Overlay (C2-TOD)

Existing Land Use: Abandoned gas station

Agenda Sent To: Applicant & property owner

Attachments: Site plans, applicant's project description, traffic impact report

PJ No. 3161

BACKGROUND

The Planning Commission approved Use Permit No. 48 for the operation of a service station on December 26, 1962 and an "S" Zone Approval for the construction of the station with 3 service

bays on January 23, 1963. Subsequent amendments for a refreshment stand and patio were approved on April 28, 1965 and for exterior modification on April 28, 1970.

Site Description

The 0.61-acre site is located at the southwest corner of East Capitol Avenue and Lundy Place abutting the City's southern border with San Jose. Montague Expressway is located north and Trimble Road in San Jose lies to the east. The VTA elevated light rail is located in the center of East Capitol Avenue which runs along the property's frontage. An abandoned gas station that is fenced off exists on the site with two driveways off of East Capitol Avenue. The property is bisected by a 40-foot easement for PG&E overhead power lines.

The property is zoned General Commercial with a Transit-Oriented District Overlay (C2-TOD) and is located within the boundaries of the Midtown Specific Plan. Surrounding properties are zoned for high density residential to the west, north and east, heavy industrial to the southwest and commercial to the northeast. Adjacent land uses includes commercial retail centers across East Capitol Avenue and to the south across Lundy Place in San Jose, an engineering firm to the northwest, Union Pacific railroad tracks to the west (future BART track) and the Crossing at Montague residential development to the northeast.

THE APPLICATION

The applicant is requesting approval of an S-Zone application, pursuant to Section 42 (Site and Architecture Review) for the construction of the two commercial buildings and related site improvements and a Use Permit for a parking reduction, pursuant to Section 57 (Use Permits) of the Zoning Ordinance.

Project Description

The applicant is requesting demolition of the structures on site and an "S" Zone Approval (SZ2003-7) for two commercial buildings (1- and 2-story) comprised of 12,265 sq. ft. that will accommodate retail and office tenants and a veterinarian clinic. The commercial square footage is comprised of the following:

Building A:

- ☐ Retail = 2,161 sq. ft.

Building B

- ☐ Retail = 2,831 sq. ft. (1st floor)
- ☐ Veterinarian Clinic = 2,230 sq. ft. (1st floor)
- ☐ Office = 4,758 sq. ft. (2nd floor)

Site access would be provided via a two-way driveway off of East Capitol Avenue and a one-way (entrance only) driveway off of Lundy Place. Parking would be provided on-site and could be accommodated on the street along the development's Lundy Place frontage. A 20% reduction in parking is requested pursuant to the "TOD" development standards and a Use Permit (UP2003-28) is being sought for reduction of 1 additional required space. Other site improvements being proposed include street trees on East Capitol Avenue and landscape areas along portions of the

property's perimeter and adjacent to parking areas and the buildings. A trash enclosure is proposed at the northwest corner of site.

"S" ZONE APPLICATION

As per Section 42.02, the City's zoning code requires projects within the "S" Zone combining district (Site and Architectural review) be designed so that buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development. Therefore, discussion of the "S" Zone application is broken into these topics.

Site and Architectural Compatibility with Surrounding Development

1) Site layout

The 0.61-acre project site consists of 2 buildings proposed at the northwest (Building B) and northeast (Building A) corners of the property and front East Capitol Avenue. The proposed building locations and footprints were determined by the 40-foot PG&E easement that traverses the property, for which no structures can be within. The proposed setbacks on East Capitol range from 10 to 11 feet, 5 feet from the west property and no setback (zero lot line) along Lundy Place. A circular, projecting tower with an arcade on Building A anchors the northeast corner of the site where East Capitol Avenue and Lundy Place converge. Two towers project out and up from Building B at the north property line.

Vehicular access to the site is proposed via a two-way driveway off of East Capitol Avenue (beneath overhead wires) and a one-way entrance off of Lundy Place at the rear of the site. The entrance off of Lundy Place is limited to a one-way due to the underground PG&E vaults that reside under the sidewalk. These vaults cannot be relocated without significant cost implications on the project and therefore limit the width of any driveway to that of a one-way (14-foot wide). Parking lines both driveway aisles and is immediately adjacent to the buildings, separated by landscape planters. The trash enclosure for the site would be located at the southwest corner of the site. A 6-foot open-work, wrought iron fence is proposed along the west and south perimeters of the property.

2) Building Architecture

The architectural design of the commercial development is simple and streamlined with vertical towers that vary the roofline. Building A is 1-story with a circular tower that anchors the southwest corner of the site with a recessed entrance. The building is also accessible from two doors facing the interior parking. Building B is 2-story with the top floor setback from the first floor creating an outdoor patio on the 2nd floor. Two towers also occur on Building B along with other interesting architectural features such as an arched building projection containing the veterinarian entrance that follows the angle of the PG&E easement, an arched patio on the 2nd floor projecting over the walkway and a stepped roof line. The retail tenant would be accessed directly off of East Capitol Avenue. The office and veterinarian clinic entrances are in the interior parking lot facing south.

Large, tall aluminum framed windows along the 1st floor of both buildings are designed for commercial purposes, while smaller scaled windows are used on the top floor, appropriate for office type uses. Foam trim adorns the upper portion of the exterior walls as well as provides

a cap for the flat roof parapets. The walls would be stucco, peaked roofs would be metal with wood bracket bracings and the sign braces over the retail and veterinarian entrances would be metal. Golden Rule (yellowy-beige) would be the dominant color used throughout the development with the towers in Red Bluff (rich red) and the metal peaked roofs in Orient Express (green).

Staff concludes the overall architecture of the building meets the design guidelines of Midtown Specific Plan, however, **staff recommends** minor architectural modifications including:

- a. Incorporating awnings on some of the south facing windows of the buildings to reduce overheating and glare;
- b. Provide details of columns used on the arcade at the entrance of Building A;
- c. Recess all windows a minimum of 4 inches; and
- d. Address bare wall on Building A facing East Capitol Avenue (perhaps add another window for more visibility of retail tenant or add a special feature or other adornment).

3) Landscaping

Landscaping is proposed in 2-foot wide planters along the building walkways in front of the parking spaces, along the south perimeter, around the trash enclosure and along the building frontages on East Capitol Avenue and Lundy Place. The proposed parking lot landscaping consists of Japanese Maples with an understory of Star Jasmine as a ground cover. Small lawn areas are located around the trash enclosure and along the south side of building A. Plant species proposed along the building frontages include Mexican Primrose in front of Building B and Heaven Bamboo (shrub) and Japanese Camelia (flowering shrub) along Building A.

Staff recommends the following modifications to increase the variety of plant species, increase the tree canopy for shade in the parking lot and provide screening of trash enclosure from neighboring sites:

- a. Replace Japanese Maples with a larger canopy species and one that is not so delicate and sensitive to heat. Limited use of Japanese Maples as accent/ornamental species would be acceptable;
- b. Add shade trees in projecting parking diamonds, every third stall for parking areas along both buildings (similar to tree placement along south parking strip);
- c. Extend landscape area and incorporate screening plants where parking stall no. 15 is to be removed to screen parking lot from Lundy Place;
- d. Add shade tree to back lawn area and shrubs (perhaps Heavenly Bamboo) around base of trash enclosure;
- e. Add pavers or other traversable surface, between each parking space, to landscape areas that bisect walkways from parking areas facilitate pedestrian access between buildings and the parking lot;

1.

- f. Replace Star Jasmine with another shrub variety (perhaps an ornamental or the camellias) to enhance the corner landscape planters (at interior hammerhead); and
- g. Submit an irrigation plan for the site.

4) Streetscape

The project proposes street trees in 5' x' 3' tree wells approximately 45 feet on center and a new 10-foot wide sidewalk along the East Capitol Avenue frontage. Other than reconstruction of the existing 6-foot sidewalk, no streetscape improvements are proposed along the Lundy Place frontage. Lundy Place is currently used and constructed as a private driveway and the introduction of street trees would result in a reduced road width, no longer accommodating on-street parking, or require further setback of Building A, significantly reducing the building size due to the proximity of the 40-foot PG&E easement. Landscape planters are proposed along both street frontages of Building A which will soften the building abutting the sidewalk.

This property is within the boundaries of the Midtown Specific Plan area but is outside of the specific areas which will have decorative streetscape amenities.. However, in order to be consistent with the surrounding and adjacent properties street frontages and the intent of the Midtown Plan, *staff recommends* the following modifications:

- a. Plant street trees 25-feet on center, which should accommodate 1-2 more trees along the East Capitol frontage (note location of existing street tree on adjacent property to the northwest on plans to assist in proper spacing); and
- b. Street trees shall be a minimum of 24-inch box and the species per City Standard.

5) Lighting

The project proposes both building and site lights. The site lighting would be provided by 16-foot tall aluminum pole lights with dual fixtures throughout the parking lot, both in landscape areas and along walkways. Wall lights are proposed on both building facades consistently spaced all around. *Staff recommends* the following be submitted prior to building permit issuance:

- a. A site illumination plan to ensure adequate lighting for the site; and
- b. Colored details/brochures of all lighting fixtures proposed (area and wall lights).

6) Parking

Pursuant to Section 19.06 ("C2" Off-Street Parking), Section 53.23-2 (Parking Schedule - Commercial Land Uses) and Section 53.23-4 (Parking Schedule - Medical Buildings) of the zoning ordinance, the parking requirement for the proposed project is 47 parking spaces and is summarized in the table below. The project proposes a total of 40 on-site spaces. However, as per Section 43.06-1 ("TOD" Off-Street Parking), the total off-street parking requirements may be reduced up to 20% due to the close proximity of the light rail station. Therefore, the reduced parking requirement for this project is 38 spaces. However, due to handicap access requirements and circulation concerns 3 spaces would be lost reducing the

onsite parking to 37, 1 less than the requirement. Loss of the on-site spaces and parking reduction is discussed in further detail in the use permit section of this report.

Parking Standard	Required Parking
Retail - 1/200 SF GFA (lower floor)	4,992 SF = 25
Office - 1/400 SF GFA (upper floor)	5,043 SF = 12
Medical - 1/225 SF GFA (all floors)	2,230 SF = <u>10</u> 47
TOD Parking Reduction of 20 %	(9)
Total Parking Required	38

7) Solid Waste

The project proposes a 19' x 20' trash enclosure at the northwest corner of the site behind Building B. The enclosure would be connected to the sanitary sewer for spills and cleaning. The commercial trash and recycling from the development would be transferred to the compactors for pick-up by BFI. The specifics of the exterior trash enclosure are not part of this submittal, therefore *staff recommends* submitting elevations for the enclosure, which note height, materials (stucco surface atop concrete block and metal doors) and colors, prior to building permit issuance.

8) Stormwater runoff

The applicant has not submitted a stormwater run-off plan. *Staff recommends* the applicant submit a stormwater run-off control plan for the site that includes maximum utilization of the landscape areas for filtration of run-off, in addition to fossil filters, and includes stormwater plans for the courtyard. In addition, if this plan includes any roof drainage elements or downspouts they shall be included in the revised elevations.

9) Rooftop Equipment

As noted on the elevations (Sheet A5) a 3'8" to 4' parapet would outline the top floors of the buildings with the exception of the tower elements, which have peaked roofs and the stepped roofline on Building B. The architect has stated 4 feet is sufficient height to conceal any type of mechanical equipment needed for the commercial tenants. *Staff recommends* a condition that no roof-top equipment shall exceed the height of the parapet or be visible from view.

10) Signage

No signage is proposed for the project at this time and will be submitted under a separate permit. However, the plans note where the retail and veterinarian tenant signage could be located (attached to metal braces above the retail spaces). Prior to the approval of any signage for the multi-tenant commercial development, a sign program shall be required and an "S" Zone application will need to be submitted for Planning Commission approval.

11) Utilities

Utilities for the site (gas, electrical meters, PG& transformer) are proposed at the rear of both buildings not visible from East Capitol. The location of the backflow preventor is unknown as this time. *Staff recommends* a condition of approval that requires all utilities to be located together, not visible from public view and screened when necessary.

USE PERMIT

Pursuant to Section 43.09 (Exception to Standards) of the “TOD” district, exceptions to certain development standards may be approved by the Planning Commission through the approval of a Use Permit in accordance with Section 57 (Use Permits) of the Zoning Ordinance. The applicant is seeking a Use Permit to not provide 1 parking space on-site, as required by the “C2” zoning district. The project proposes 40 spaces, however as discussed immediately below, 3 spaces would be lost thereby reducing the onsite parking to 37 (38 required).

The Building Code requires handicap parking to be provided for each building. This requires 1 of the 2 handicap stalls to be relocated in front of Building A, which includes a 5-foot wide striped loading area. In addition, a parking stall distance of approximately 30 feet from the curb is needed in order to allow the queuing of vehicles onsite, which prevents the back-up of vehicles on East Capitol Avenue. In addition, space no. 15 cannot be maneuvered safely and must be omitted.

Due to the constraints (40-foot PG&E easement) and size of the site it is not possible to incorporate the additional parking on-site without significantly reducing the buildable area. Consistent with the Midtown Plan, which permits parking along property frontage, parking along Lundy Place, which is wide and long enough to accommodate 4 parking spaces, could be counted towards required parking thereby off-setting the onsite loss and complying with the parking requirement for the “C2-TOD” District. *Staff recommends*, prior to building permit issuance submitting revised site plans indicating the following:

- a. Removal of parking stall nos. 15, 39 and 40 and the addition of a handicap stall with 5-foot wide loading area on parking stall no. 31 and 32; and
- b. Redesign area where stall nos. 15, 39 and 40 are located to screen parking from the street and provide a buffer (suggestions include extending landscape area and adding screening hedges for no.15 and create a landscape area with a shade tree and ornamental species to create a common outdoor area for nos. 39 and 40).

The proposed Use Permit for the parking reduction of 1 space, as conditioned, is not anticipated to have any adverse impacts on parking, traffic, noise, odors, or be detrimental to the health and safety of the public, since additional parking is available along Lundy Place. Therefore, as conditioned, the proposed exceptions to the “TOD” development standards will not negatively impact the surrounding community.

NEIGHBORHOOD/COMMUNITY IMPACT

The proposed project, as conditioned, is expected to have a positive community impact by improving a key corner and gateway to the City of Milpitas and replace a building that has been abandoned, fenced off and neglected. It will enhance the retail experience of the adjacent commercial area as well as provide retail to the residential uses north of it. As demonstrated in this report, the project will not create any adverse impacts on traffic, parking, noise, or jeopardize the health and safety of the general public. Staff concludes that this project will not have a negative community impact.

CONFORMANCE WITH LOCAL PLANS AND ORDINANCES

General Plan

The proposed project does not conflict with any General Policies, and is consistent with Land Use Implementing Policies 2.a-I-3 (Economic Development) and 2.a-I-10 (Community Identity), which encourage economic pursuits that strengthen and promote development through stability and balance and fosters community pride and growth through beautification of existing and future development. The project is in compliance with these policies in that it would replace an abandoned gas station that has been fenced off for approximately 12 years with a new commercial development, which will assist in strengthening the economic viability of the surrounding commercial area as well as enhance a property that lies at a Milpitas gateway.

Midtown Specific Plan

The proposed project needs to demonstrate compliance with the Midtown Specific Plan, Development Standards and Design Guidelines. As demonstrated in the "S" Zone section of this report, the proposed project complies with the development standards of the "C2-TOD" Midtown zoning district, with the exception of a parking reduction for 1 space discussed in the Use Permit section that follow. The project conforms with the Midtown Specific Plan's Land Use Goals 1 and 4, and Community Design Goal 4 and Policies 5.2 and 5.5, in that it is a new retail development with a building design that addresses the street and pedestrians, improves the existing character of the street and supports the LRT transit facility located within the median of East Capitol Avenue. Staff has reviewed the project against the design guidelines of the Plan and has determined that, as conditioned, the project is in conformance with all applicable design guidelines. Thus, staff concludes the project is consistent with the intent and specific requirements of the Midtown Plan.

Conformance with the Zoning Ordinance

The proposed development and its uses are consistent with the General Commercial "C2" and Transit-Oriented-Development "TOD" overlay district of the Milpitas Zoning Ordinance. The "C2" zoning district is intended to provide for a wide range of retail sales and professional and businesses services and incorporates special development standards to provide for orderly development and to minimize traffic hazards. The "TOD" overlay district allows for land use and development standards, such as parking reductions, that enhance and support transit stations in order to provide goods and services within a convenient walking distance.

The following table illustrates how the proposed project complies with the “C2-TOD” zoning ordinance development standards.

Zoning Code Development Standards	Proposed Project	Complies?
Building Height = No limitation	41 ft. tall	Yes
Lot Area = 10,000 sq. ft. min.	26,579 sq. ft.	Yes
Lot Width = 100 ft. minimum	155 ft. wide	Yes
FAR = 100 %	49%	Yes
Parking Requirement = 48	37	No, see page 6
Setbacks: <input type="checkbox"/> Front = none <input type="checkbox"/> Side & Rear = none	<input type="checkbox"/> 10 to 11 ft. <input type="checkbox"/> 0 to 11 ft.	<input type="checkbox"/> Yes <input type="checkbox"/> Yes
Utilities: Setback from street, screened with landscape or other material, located in a single area, in wells, underground, etc...	At rear of site and buildings and landscaped areas behind building A near Lundy Place entrance, will not be visible from E. Capitol Avenue	Yes
Additional TOD Requirements: <input type="checkbox"/> Shops/services for residents <input type="checkbox"/> Participation in EcoPass or similar program <input type="checkbox"/> Provide bicycle facilities & showers	<input type="checkbox"/> 4,992 sq. ft. retail <input type="checkbox"/> No viable transit programs currently available <input type="checkbox"/> Bicycle spaces but no shower facilities	Yes, see below

As per Section 43.08 (“TOD” Overlay District), all developments within the “-TOD” combining district shall incorporate measures that would encourage the use of transit, walking and bicycles, including but not limited to the measures mentioned in the above table. The retail aspect of the project is intended to provide shops and services for residents and employees to use on a frequent basis. Such services could include delis, cleaners, video rental and cafes to name a few. Since the future of the Valley Transportation Agency’s EcoPass program is uncertain, the City is not requiring the development to participate. As noted in the parking section, the project proposes 10 spaces for bicycle parking (5% of total residential vehicle parking). The City is not requiring

the development to provide showers for the bicycle facilities since the majority of the development is residential and the minimal size (6,000 square foot) of the retail doesn't warrant the installation of showers for the employees who use this mode of transportation.

Based on this review within the above "S" Zone Approval section, staff concludes that site and building design of the proposed project, as conditioned are compatible and aesthetically harmonious with adjacent and surrounding development. The site is constrained by the 40-foot PG&E easement that bisects it and the layout of the buildings along the north and south edges of the property with parking under the easement where no structures are permitted is a smart and attractive use of the lot and one that maximizes the buildable area. Additionally the architectural and design of the buildings are different yet complementary to one another. The difference in height projections, story numbers and use of materials provide the surrounding commercial area with an attractive development on a site that has been abandoned with a chain link fence for numerous years.

CEQA & TRAFFIC IMPACTS

The proposed project is exempt from further environmental review pursuant to Article 11, Section 15168(c)(2) (Program EIR) of California Environmental Quality Act (CEQA) Guidelines, in that the proposed commercial development is consistent with the Midtown Specific Plan Program EIR and no new effects or new mitigation measures are required.

The proposed project will generate new trips in the area. As identified in the Midtown Specific Plan EIR, most traffic impacts cannot be mitigated over the long term. The City adopted the Midtown Program EIR which contained overriding considerations for these impacts. However, the Midtown Program EIR did identify that fair share contributions would be required for projects that impact intersections and roadways.

A Traffic Impact Report (TIA), prepared by Hexagon Transportation Consultants (July 12, 2004), determined the project would generate 26 trips during the AM peak hour and 56 trips during the PM peak hour. The report concluded that due to the low volumes of trip generation no significant impacts would occur at the intersections within the vicinity or create adverse impacts to the pedestrian, bicycle or transit facilities. However, the cumulative impacts of this project would assist in the continued degradation of Montague Expressway to LOS F. Therefore, as required by the Midtown Program EIR, the project must make a "fair share" contribution to the widening of Montague Expressway, which staff has included as a condition.

Previous land uses of the site resulted in petroleum hydrocarbon contamination of the soil and groundwater. Remediation of both the soil and groundwater has been completed and the Regional Water Quality Board has issued a "Case Closure" on the site and no further remediation or environmental assessment is necessary.

RECOMMENDATION

Close the public hearing. Approve "S" Zone Approval No. SZ2003-7 and Use Permit No. UP2003-28 based on the Findings and Recommended Special Conditions below.

1.

FINDINGS

1. The proposed project is exempt from further environmental review pursuant to Article 11, Section 15168(c)(2) (Program EIR) of California Environmental Quality Act (CEQA).
2. The proposed project, as conditioned, is compatible and aesthetically harmonious with adjacent and surrounding development. In addition, its uses are consistent with the General Commercial “C2” and Transit-Oriented-Development “TOD” overlay district of the Milpitas Zoning Ordinance. The “C2” zoning district is intended to provide for a wide range of retail sales and professional and businesses services and incorporates special development standards to provide for orderly development and to minimize traffic hazards.
3. The proposed project does not conflict with any General Policies, and is consistent with Land Use Implementing Policies 2.a-I-3 (Economic Development) and 2.a-I-10 (Community Identity), which encourage economic pursuits that strengthen and promote development through stability and balance and fosters community pride and growth through beautification of existing and future development.
4. The project conforms with the Midtown Specific Plan’s Land Use Goals 1 and 4, and Community Design Goal 4 and Policies 5.2 and 5.5, in that it is a new retail development with a building design that addresses the street and pedestrians, improves the existing character of the street and supports the LRT transit facility located along its frontage. In addition, the project is consistent with the design guidelines and specific requirements of the Midtown Specific Plan, as demonstrated in the “S” Zone section of the report.
5. The proposed Use Permit for the parking reduction of 1 space, as conditioned, is not anticipated to have any adverse impacts on parking, traffic, noise, odors, or be detrimental to the health and safety of the public, since additional parking is available along Lundy Place. Therefore, as conditioned, the proposed exceptions to the “TOD” development standards will not negatively impact the surrounding community.
6. The proposed project is expected to have a positive community impact by improving one corner of a key intersection within the City. It will enhance the experience of traveling along East Capitol Avenue. The restaurant use is in close proximity to other commercial and hotel uses, and will be a complementary use. In addition, the office uses are also located among other office uses. With the provision of a garbage enclosure and the lack of adjacent residential uses, staff concludes that this project will not have a negative community impact.

SPECIAL CONDITIONS

- 1) **APPROVAL.** This “S” Zone Approval No. SZ2003-7 is for a commercial development consisting of two buildings (1- and 2-stories) totaling approximately 12,265 square feet and associated site improvements in accordance with the plans approved on September 8, 2004, and as amended by the conditions below. Any modification to the project as proposed will require an “S” Zone Approval Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing as per Section 42.10 of the zoning code. (P)

- 2) APPROVAL. This Use Permit No. UP2003-28 is for a parking reduction of 1 required on-site parking space. Any modification to the project as proposed will require a Use Permit Amendment by the Planning Commission. (P)
- 3) GENERAL. The applicant shall comply with Planning Commission Resolution No. 168, a resolution of standard conditions for commercial development. (Items #1-4, 9, 11 (P))
- 4) GENERAL. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations, and in conformance with the approved plans. (P)
- 5) TRAFFIC IMPACT FEE. Prior to building permit issuance, the applicant shall contribute a "fair share" traffic impact fee in the amount of \$32,627 (based on a Midtown impact fee of \$113 per peak hour trip and a Montague Expressway impact fee of \$903 per peak hour trip). (P, T)
- 6) PJ ACCOUNT. If at the time of application for building permit, there is a past due project job account balance owed to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
- 7) PJ ACCOUNT. If at the time of application for certificate of occupancy there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
- 8) BUILDING ELEVATIONS. Prior to building permit issuance, the applicant shall revise the elevations in order to address the following concerns and suggestions to the approval of the Planning Division:
 - a. Incorporating awnings on some of the south facing windows of the buildings to reduce overheating and glare;
 - b. Provide details of columns used on the arcade at the entrance of Building A;
 - c. Recess all windows a minimum of 4 inches; and
 - d. Address bare wall on Building A facing East Capitol Avenue (perhaps add another window for more visibility of retail tenant or add a special feature or other adornment).
- 9) LIGHTING. Prior to building permit issuance, the applicant shall submit a lighting illumination plan and details/brochures for light poles and other light fixtures to the Planning Division for review and approval. (P)
- 10) ROOFTOP EQUIPMENT. All rooftop-mounted equipment (HVAC, etc.) shall be at or below the height of the parapet and at no point shall it be visible from any viewpoint. (P)
- 11) SIGNAGE. Prior to the approval of any signage for the multi-tenant, commercial development, a sign program application shall be submitted for Planning Commission approval. (P)

- 12) SITE PLAN. Prior to building permit issuance submitting revised site plans indicating the following:
- Removal of parking stall nos. 15, 39 and 40 and the addition of a handicap stall with 5-foot wide loading area on parking stall no. 31 and 32; and
 - Redesign area where stall nos. 15, 39 and 40 are located to screen parking from street and provide a buffer (suggestions include extending landscape area and adding screening hedges for no.15 and create landscape area with shade tree and ornamental species to create a common outdoor area for nos. 39 and 40).
- 13) IRRIGATION. Prior to building permit issuance, the applicant shall submit an irrigation plan for all landscape areas. (P)
- 14) LANDSCAPE. Prior to building permit issuance, the applicant shall submit a revised landscape & streetscape plan that includes the following:
- Replace Japanese Maples with a larger canopy species and one that is not so delicate and sensitive to heat. Limited use of Japanese Maples as accent/ornamental species would be acceptable;
 - Add shade trees in projecting parking diamonds, every third stall for parking areas along both buildings (similar to tree placement along south parking strip);
 - Extend landscape area and incorporate screening plants where parking stall no. 15 is to be removed to screen parking lot from Lundy Place;
 - Add shade tree to back lawn area and shrubs (perhaps Heavenly Bamboo) around base of trash enclosure;
 - Add pavers or other traversable surface, between each parking space to landscape areas that bisect walkway from parking areas to facilitate pedestrian access between buildings and the parking lot; and
 - Replace Star Jasmine with another shrub variety (perhaps an ornamental or the camellias) to enhance the corner landscape planters (at interior hammerhead).
- 15) STORMWATER. Implement standard best management practices (BMPs) for the control of erosion during the temporary stockpiling of excavated soils with fiber rolls and installing sand or gravel bags to minimize runoff impacts to halt runoff from entering the storm drainage system. (P)
- 16) STORMWATER. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD:
- Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives:
 - Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least a 2 feet freeboard level within their truck beds;

- c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
 - d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - e) Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets;
 - f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more);
 - g) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
 - h) Limit traffic speeds on unpaved areas to 15 mph;
 - i) Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
 - j) Plant vegetation in disturbed areas as quickly as possible;
 - k) Suspend excavation and grading (all earthmoving or other dust-producing activities) or equipment during periods of high winds when watering cannot eliminate visible dust plumes. (P)
- 17) **STORMWATER.** Prior to any permit issuance, the applicant shall submit a storm water control plan for the entire site including the courtyard that to the extent feasible, designs the project facilities to incorporate design concepts recommended in the Bay Area Stormwater Management Agencies Association's "Start at the Source" Design Guidance Manual for Stormwater Quality Protection (BASMAA 1999), including, but not limited to fossil filters, grading of impervious areas to landscaping and roofs draining to landscaped areas. (P)
- 18) **STREETSCAPE.** Prior to building permit issuance, the applicant shall submit a revised streetscape plan to the approval of the Planning Commission Subcommittee with the following revisions:
- a. Plant street trees 25-feet on center, which should accommodate 1-2 more tree along the East Capitol frontage (note location of existing street tree on adjacent property to the northwest on plans to assist in proper spacing); and
 - b. Street trees shall be a minimum of 24-inch box and the species per City Standard. (P)
- 19) **TRASH MAINTENANCE.** The trash bins and trash/recycling enclosure areas shall be kept clean by double-bagging garbage and by frequent sweeping and disposal of any spilled solid waste. (P)
- 20) **TRASH ENCLOSURE.** Prior to building permit issuance, the applicant shall submit elevations for the exterior trash enclosure, which note height, materials (stucco surface atop concrete block and metal doors) and colors. (P)

- 21) TREE REMOVAL. Prior to any protected tree (36-inch circumference or larger) removal, the applicant shall obtain a tree removal permit from the Trees and Landscape section of Public Works Department. (P)
- 22) LANDSCAPE. All planter areas (including containerized planters) shall be serviced by a sprinkler or drip system. (P)
- 23) LANDSCAPE. All required landscaping, as approved on the final landscape plan, shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
- 24) LANDSCAPE. Prior certificate of occupancy permit issuance, all required landscaping shall be planted and in place. (P)
- 25) LANDSCAPE. All landscape planters adjacent to vehicle parking areas or travel lanes shall be contained by a full depth (6" above AC to bottom of structural section of adjacent paving) concrete curb. Where landscape planters abut a public street, a 24-inch deep water barrier shall be installed behind the curb. (P)
- 26) UTILITIES. All utilities to be located in a single area, setback from the street, in wells, underground or screened with landscape or other material, not visible from public view. (P)
- 27) UTILITIES. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
- 28) UTILITIES. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
- 29) UTILITIES. At the time of building permit plan check submittal the developer shall submit a sewer capacity analysis to determine whether the existing 6" sewer line is adequate to handle the additional discharge from the proposed development. If the existing 6" sewer line is not adequate, the developer will be required to construct a new parallel line to serve this project prior to Building Permit Occupancy/Final Inspection. (E)
- 30) GRADING & DRAINAGE. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall

satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E)

31) UTILITIES. In accordance with Chapter 5, Title VIII (Ord. No. 238) of Milpitas Municipal Code, for new and/or rehabilitated landscaping 2,500 square feet or larger the developer shall:

- a. Provide separate water meters for domestic water service & irrigation service. Developer is also encouraged to provide separate domestic meters for each tenant.
- b. Comply with all requirements of the City of Milpitas Water Efficient Ordinance (Ord. No. 238). Two sets of landscape documentation package shall be submitted by the developer or the landscape architect to the Building Division with the building permit plan check package. Approval from the Land Development Section of the Engineering Division is required prior to building permit issuance, and submittal of the Certificate of Substantial Completion is required prior to final occupancy inspection. Contact the Land Development Section of the Engineering Division at (408) 586-3329 for information on the submittal requirements and approval process. (E)

32) UTILITY EASEMENTS. Prior to any building permit issuance, the developer shall dedicate the necessary public service utility easements as shown on the Engineering Services Exhibit "S", dated 9/2/2004. (E)

33) UTILITY FEES. The developer shall submit the following items with the building permit application and pay the related fees prior to final inspection (occupancy) by the Building Division:

- a. Water Service Agreement(s) for water meter(s) and detector check(s).
- b. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.

Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)

34) PUBLIC IMPROVEMENTS. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along E. Capitol Avenue and Lundy Place, including but not limited to curb and gutter, pavement, sidewalk, street trees, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. (E)

35) UTILITY EASEMENTS. Prior to any permit issuance developer shall submit plans to all affected agencies and private parties, including but not limited to **Pacific Gas & Electric Company**, for review and approval. In addition, the developer shall obtain necessary easements from adjacent property for utility connections crossing the adjacent property. Any proposed modification to the existing traffic signal shall be review and permitted by City of San Jose. (E)

- 36) SITE DISTANCE. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
- 37) FLOOD ZONE. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in a Special Flood Hazard Zone AO (**depth 1**). Therefore, floodproofing is required. Floodproofing can be accomplished either by elevating or floodproofing of the structure and onsite utilities and equipment. Per Chapter 15, Title XI of Milpitas Municipal Code (Ord. No. 209.4) the lowest floor elevation (finished floor) of each structure shall be at least one foot above the BFE, or the structure be floodproofed to least one foot above the BFE so that the walls are watertight. The structure pad(s) shall be properly designed by a registered civil engineer and compacted to meet FEMA's criterion. In addition, the pad(s) shall extend beyond the building walls before dropping below the base flood elevation, and shall have appropriate protection from erosion and scour. All electrical equipment, mechanical equipment, and utility type equipment proposed to be installed outside of the structure shall be located above the BFE, or shall be floodproofed, and shall be constructed to prevent damage from flooding events. Any trailers, modular buildings, or pre-manufactured dwelling units located on this site for periods of time greater than one year, shall be adequately anchored to resist flotation, collapse and lateral movements per Floodplain Management Ordinance. The applicant's civil engineer shall complete and submit a FEMA Elevation Certificate to the City prior to final building inspection. The Elevation Certificate shall certify the "as built" lowest floor elevation. Elevation Certificate form is available from the Engineering Division. Flood insurance is required for any construction that is financed with government backed loans. (E)
- 38) SOLID WASTE. prior to occupancy permit issuance, the applicant shall construct a trash enclosure, designed per the Development Guidelines for Solid Waste Services. City review/approval is required prior to construction of the trash enclosure. (E)
- 39) SOLID WASTE. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been subscribed with BFI for commercial:
- A. An adequate level of service for trash collection.
 - B. An adequate level of recycling services.
 - C. If applicant or any of the future tenants is a restaurant (frying/cooking foods), a tallow account must be maintained and keep the tallow bins clean.
 - D. Provide a written statement how recycling and trash waste shall be transported from all retail and office spaces to the solid waste enclosure.
- After the applicant has started its business, BFI commercial representative shall determine the adequacy of the solid waste level of services. If services found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234, x-264. (E)

1.

40) ENCROACHMENT PERMIT. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)

Planning Division = (P)

Engineering division = (E)

Transportation Division = (T)

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結構

LHA

LUNG HWA ASSOCIATES
ARCHITECTS • ENGINEERS
DEVELOPER • PLANNER

75 VIA MALAGA
FREMONT, CA 94539
TEL: (510) 656-8287
FAX: (510) 656-8980

June 17, 2003

CITY OF MILPITAS
PLANNING DIVISION
455 E. CALAVERAS BLVD.
MILPITAS, CA 95035

TO: TROY MATSUMOTO

RE: PROJECT ADDRESS: 790 E. CAPITOL AVE.

Description of Project:

- This project, located right at the tip of the Midtown zone, is the Gateway to the City of Milpitas. It is also within the Transit Oriented/ Division Overlay zone.
- The project site is located at the corner of Capitol Ave. and Trimble Rd. (presently abandoned). A 40 ft. PG&E easement cuts through the property to divide the lot into 2 buildable sections: a smaller ± 6918 sq. ft. area at the eastern corner and a larger $\pm 13,174$ sq. ft. area at the western side of the property.
- Two buildings are proposed for this site. Building "A", a one-story, 2400 sq. ft. building, will be located at the corner of Capitol Ave. and Trimble Rd. Building "B", a two-story, 10752.5 sq. ft. building will be located on the other side of the 40 ft. PG&E easement.
- The buildings are designed to be inviting and welcoming. They are arranged like two open arms toward the street with a pedestrian-friendly courtyard plaza inside.
- The special roof shape of the two buildings are designed to both articulate the site's curved corner and to create a strong identity for the buildings themselves. The raised, round clearstory of corner building "A" together with the 2 ½ story section at the end of building "B" on Capitol Ave., create two strong nodes. This helps to emphasize the importance of that corner – The Gateway of Milpitas.
- The small fountain in the middle of the open gate creates an inviting and pleasant space for pedestrians along the sidewalk.
- Store front windows, awnings and architectural details break down the scale of the building creating a pedestrian-friendly environment.
- The veterinary clinic at the back, angled away from the building, helps to add to the importance of the rear space.
- The setback on the 2nd floor creates an interesting building composition and also usable deck space.



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- Trees and low-scale ground cover help to break up the large paving of the parking lot.
- Landscape planters, raised beds, benches are placed along pedestrian walkways and storefronts producing a pleasant atmosphere.
- The exterior lights are designed to avoid glare into adjacent areas. White light is used for better color representation and to create a more pedestrian-friendly environment.
- Up lighting in the fountain will also be provided.
- The variation of floor paving in the plaza along with the architectural detailing on the lower wall help to relate to a more pedestrian scale.

If you have any question, please feel free to call me at (510) 656-8287

Sincerely Yours,

ARCHITECT: FU, LI-SHENG



Hexagon Transportation Consultants, Inc.

40 South Market Street, Suite 600 • San Jose, California 95113 • (408) 971-6100 • Fax (408) 971-6102

Memorandum

To: Joe Oliva, City of Milpitas

From: Brett Walinski *BW*

Date: July 24, 2003

Subject: Traffic Study for the Proposed Commercial Development at 790 E. Capitol Avenue

This letter report presents the results of the traffic study prepared for the proposed commercial development located at 790 East Capitol Avenue in Milpitas, California. The project as proposed would consist of 8,500 square feet of retail space and 5,000 square feet of office space. Access to the site would be provided via East Capitol Avenue. Parking would be provided onsite. The proposed site plan, dated April 18, 2003 is shown on Figure 1.

Scope of Study

The potential impacts of the project were evaluated in accordance with the standards set forth by the City of Milpitas and the Congestion Management Program (CMP) of Santa Clara County. The study included an analysis of weekday AM (7:00 - 9:00 AM), midday (11:30 AM - 1:30 PM), and PM (4:00-6:00 PM) peak-hour traffic conditions for two signalized intersections. In addition, the proposed site plan was evaluated in terms of site access and onsite circulation. The study intersections include:

1. Montague Expressway and East Capitol Avenue/Great Mall Parkway*
2. East Capitol Avenue and Autumnvale Drive

(*) denotes CMP intersection.

Traffic conditions were evaluated for the following scenarios:

- Scenario 1:** *Existing Conditions.* Existing conditions were represented by existing peak-hour traffic volumes on the existing roadway network. Existing traffic volumes were obtained from recent traffic counts.
- Scenario 2** *Background Conditions.* Background conditions were represented by future background traffic volumes on the near-term future roadway network. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component is contained in the City of San Jose and City of Milpitas Approved Trips Inventories (ATI).
- Scenario 3** *Project Conditions.* Project conditions were represented by future traffic volumes, with the project, on the near-term future roadway network. Project conditions were evaluated relative to background conditions in order to determine potential project impacts.

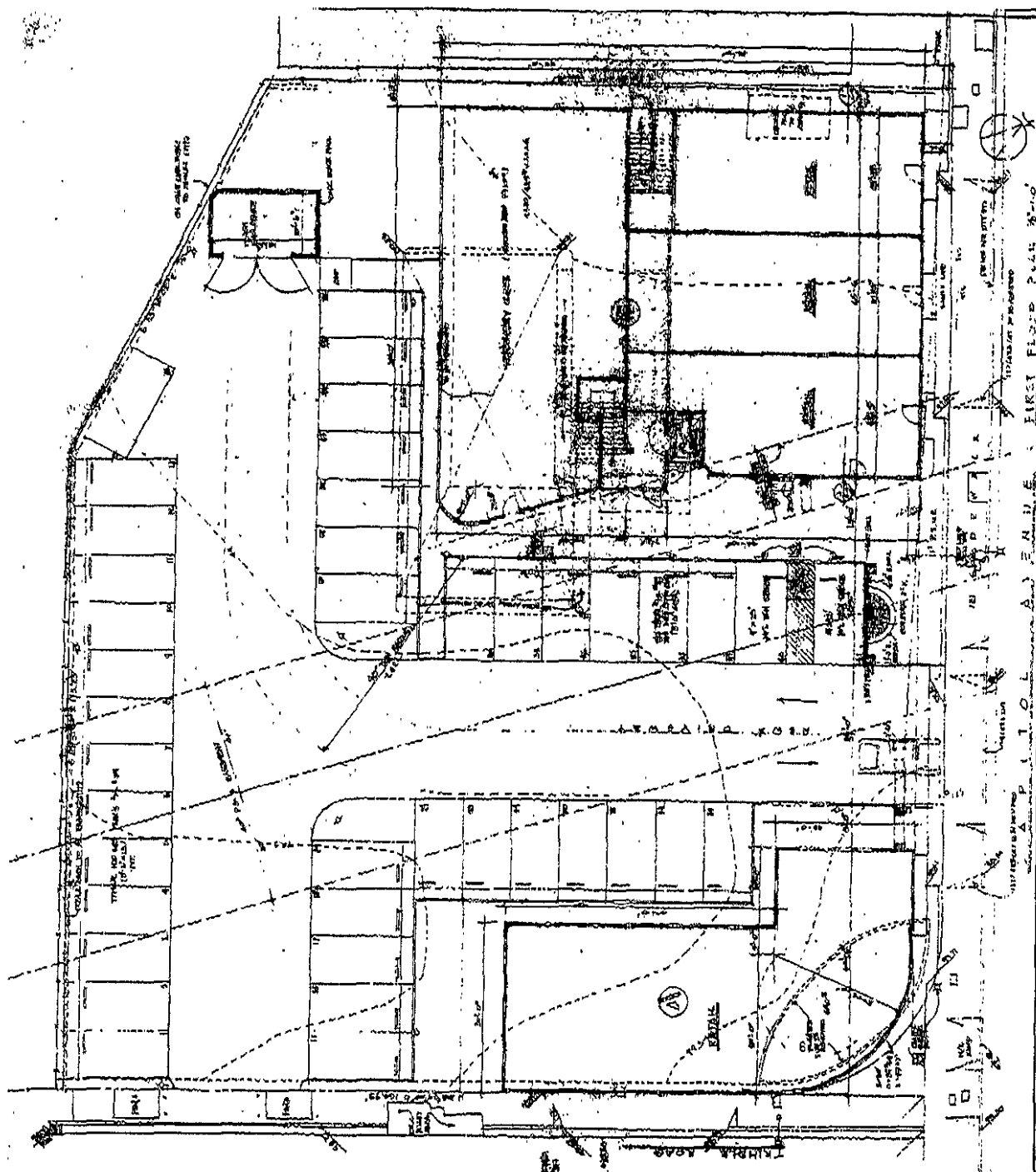


Figure 1
SITE PLAN
Capitol Commercial

Methodology and Level of Service Standards

Traffic conditions at the study intersections were evaluated using level of service (LOS). *Level of Service* is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays (see Table 1)

The City of Milpitas level of service methodology is TRAFFIX, which is based on the *Highway Capacity Manual* (HCM) method for signalized intersections. TRAFFIX evaluates signalized intersection operations on the basis of average delay time for all vehicles at the intersection. The City of Milpitas and the City of San Jose have a level of service standard for signalized intersections of LOS D or better, except at CMP intersections, where the LOS standard is E.

Table 1
LOS Definitions Based on Delay

Level of Service	Description	Average Stopped Delay Per Vehicle (Sec.)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	Less than 5.0
B	Operations with low delay occurring with good progression and/or short cycle lengths.	5.1 to 15.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	15.1 to 25.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	25.1 to 40.0
E	Operations with high delay values indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	40.1 to 60.0
F	Operation with delays unacceptable to most drivers occurring due to oversaturation, poor progression, or very long cycle lengths.	Greater than 60.0

Source: Transportation Research Board, *Highway Capacity Manual*, Special Report 209 (Washington, D.C., 1985), pp. 9-4, 5.

Environmental Setting and Transportation Facilities

The proposed commercial development is located on the northwest corner of Trimble Road and East Capitol Avenue in the City of Milpitas. The land uses surrounding the project site are predominately commercial and industrial. The surrounding transportation facilities are described below.

Montague Expressway is a six-lane east/west expressway in southern Milpitas. It is operated under the jurisdiction of the Santa Clara County Roads and Airports Department. The peak direction of travel is westbound in the morning, and eastbound in the evening. This facility also provides HOV lanes during AM peak hours in the westbound direction and during PM peak hours in the eastbound direction. Montague Expressway is a CMP facility that experiences severe congestion during both commute periods. It currently carries approximately 70,000 ADT between interstates 680 and 880. Plans are underway to widen Montague Expressway between Great Mall Parkway and I-880, although this improvement is not fully funded.

East Capitol Avenue/Great Mall Parkway is a four-to six-lane east/west divided arterial connecting I-680 and Montague Expressway to I-880. West of I-880, Great Mall Parkway becomes Tasman Drive. With the opening of the Tasman Bridge over Coyote Creek in mid-1999 and with the increase in detoured traffic due to the reconstruction of the SR237/I-880 interchange, this roadway has experienced significant increases in traffic congestion and driver delay. The two most congested areas are located at the I-880 interchange and Montague Expressway. The proposed project would have one driveway that connects to East Capitol Avenue.

Trimble Road is a two-lane, east-west roadway that provides access to East Capitol Avenue for the surrounding properties. It has been abandoned and borders the project site to the south. The intersection of Trimble Road and East Capitol Avenue was recently signalized as part of the Capitol Light Rail Project. It currently operates well within capacity. No project driveway is proposed to connect with Trimble Road.

Autumnvale Drive is a two to four-lane, east-west collector street. Located in San Jose, Autumnvale Drive serves the surrounding commercial and residential properties. Autumnvale Drive has a signalized intersection with East Capitol Avenue. This intersection currently operates within capacity.

Bus Service. Transit service on East Capitol Avenue is provided via VTA bus route 74, which provides service from Eastridge Mall to the Baypointe Light Rail Station on 20 minute commute hour headways. With the addition of the Tasman East light rail line, it is anticipated that VTA will significantly alter its bus routes in the area.

Light Rail Service. The Capitol light rail project includes an 8.3-mile extension of the Tasman East Light Rail line and 11 new stations. The line will travel east on Tasman Drive from North First Street to I-880 then the light rail will be on an elevated guideway for approximately 1.3-miles along Great Mall Parkway and Capitol Avenue. The light rail extension returns to street level on Capitol Avenue at Autumnvale Drive then continues along Capitol Avenue to just south of Alum Rock Avenue. Extended service from the Baypointe station to east San Jose is anticipated to begin in the Summer 2004.

Existing Conditions

Peak hour level of service calculations were conducted at the study intersections (see Table 2). The results of the level of service analysis show that, measured against the appropriate level of service standard, both of the study intersections currently operate at acceptable levels of service. The intersection of Autumnvale Drive/East Capitol Avenue operates at LOS B during the AM, midday, and PM peak hours. The intersection of Montague Expressway

and Great Mall Parkway/Capitol Avenue currently operates at LOS D during the AM and midday peak hours, and LOS E during the PM peak hour.

Background Conditions

Background conditions were represented by future background traffic volumes on the near-term future roadway network. Background traffic volumes were estimated by adding to existing peak-hour volumes the projected volumes from approved but not yet completed developments. The latter component is contained in the City of San Jose and City of Milpitas Approved Trips Inventories (see appendix). For background conditions, all intersection lane configurations were assumed to be the same as under existing conditions. The results of the level of service analysis show that, measured against the appropriate level of service standard, all of the study intersections will continue to operate at acceptable levels of service (see Table 2). None of the levels of service at the study intersections would change from the existing conditions.

Project Trip Generation, Distribution, and Assignment

The magnitude of traffic generated by the proposed project was estimated by applying to the size of the development the applicable trip generation rates. For this analysis, the retail portion of the project was assumed as 10,000 square feet. In reality, the retail portion is only 8,200 square feet. For this reason, the trip generation estimates for this project are overly conservative. This should be reflected in the fee calculation for Montague Expressway. The trip generation rates used for the proposed project are based on those published by the San Diego Association of Governments (SANDAG). It is estimated that the proposed project would generate 26 trips during the AM peak hour, 56 trips during the midday peak hour, and 49 trips during the PM peak hour. The trip generation estimates are shown in Table 3.

The trip distribution pattern for the proposed project was estimated based on existing travel patterns on the surrounding roadway system and the locations of complementary land uses. The peak-hour trips generated by the proposed development were assigned to the roadway system in accordance with the trip distribution pattern. Figure 2 shows the project trip distribution and assignment.

Project Impacts

The results of the level of service analysis under project conditions are summarized in Table 2. The results show that none of the signalized study intersections would degrade in their level of service relative to existing or background conditions. Therefore, according to City of Milpitas and City of San Jose policies, the project would not create a significant impact at the study intersections.

Cumulative Impact

Through past planning efforts, the City of Milpitas has determined that Montague Expressway will degrade to LOS F under cumulative development conditions. Accordingly, the City has adopted a plan to widen Montague Expressway as mitigation for cumulative traffic impacts. Each project that would add traffic to Montague Expressway must contribute to the cost of widening as a mitigation for its cumulative impact. For this reason, the project should make its "fair share" contribution to the widening of Montague Expressway.

Table 2
Signalized Intersection Levels of Service Summary

Intersection	Peak Hour	Count Date	Existing		Background		Project Conditions			
			Ave. Delay	LOS	Ave. Delay	LOS	Ave. Delay	LOS	Incr. In Crit Delay	Incr. In Crit VIC
Capitol Ave/Great Mall Pkwy and Montague Expwy*	AM	8/1/2002	25.2	D	25.9	D	26.9	D	2.5	0.526
	Mid	5/8/2002	34.5	D	34.5	D	34.5	D	0.0	0.003
	PM	10/30/2002	47.9	E	49.4	E	50.0	E	0.9	0.004
Capitol Avenue and Autumnvale Drive	AM	1/21/2003	8.3	B	8.2	B	8.2	B	0.0	0.004
	Mid	7/17/2003	9.8	B	9.8	B	9.9	B	0.1	0.010
	PM	1/21/2003	9.6	B	9.5	B	9.5	B	0.0	0.002

* Denotes CMP intersection.

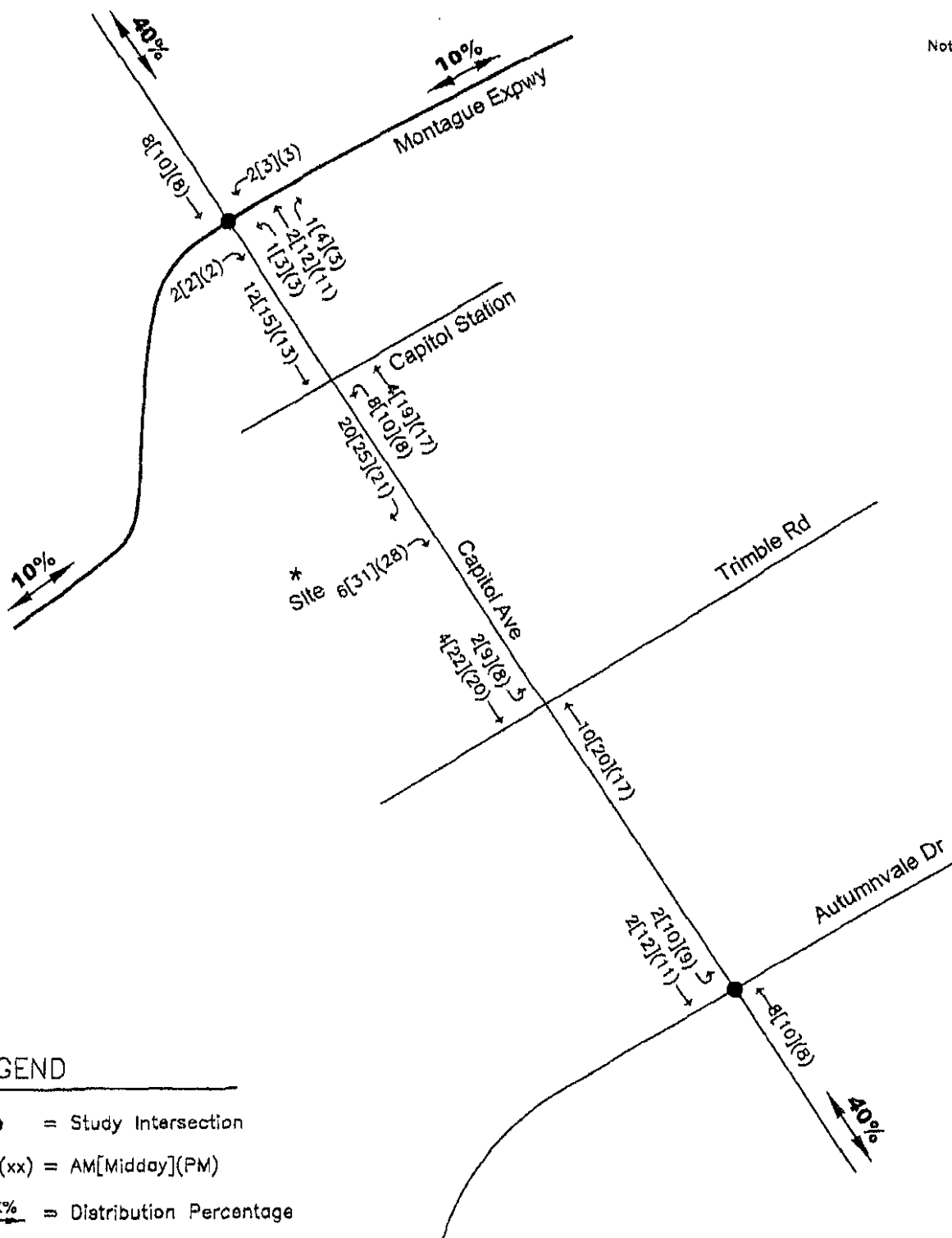
Table 3
Trip Generation Estimates

Use	size (ksf)	AM Peak Hour ₁						Midday Peak Hour ₁						PM Peak Hour ₁					
		Rate			Trips			Rate			Trips			Rate			Trips		
		In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Retail ₂	10	0.70	0.50	1.20	7	5	12	2.20	2.12	4.32	22	21	43	1.80	1.80	3.60	18	18	36
Office ₃	5	2.60	0.20	2.80	13	1	14	0.60	2.00	2.60	3	10	13	0.60	2.00	2.60	3	10	13
Total					20	6	26				25	31	56				21	28	49

1) Based on San Diego Association of Governments (SANDAG) Traffic Generation Rates for the San Diego Region (1998).

2) The retail midday peak-hour trips are based on a midday to PM peak hour ratio of parking demand from *Parking* by Robert A. Weant and Herbert S. Levinson, 1990.

3) PM peak-hour office trips are conservatively used for the Midday peak hour.



LEGEND

- = Study Intersection
- xxxx = AM[Midday](PM)
- xx% = Distribution Percentage
- * = Project Site

Figure 2

PROJECT LOCATION TRIP DISTRIBUTION AND ASSIGNMENT

Capitol Commercial

Site Access and Circulation

The proposed project would have a single two-way driveway that connects to East Capitol Avenue. It is shown as 25 feet wide and is located approximately 60 feet north of the East Capitol Avenue/Trimble Road intersection. Given the traffic volumes projected from the site, a single driveway at its proposed location would be adequate. However, the project's access could be significantly improved by (1) adding a driveway to Trimble Road and (2) relocating the existing driveway on East Capitol Avenue to the northernmost portion of the site. Suggestion one would eliminate a number of project U-turns on East Capitol Avenue at Montague Station, Trimble Road, and Autumnvale Drive. It would also remove a dead-end circulation aisle. Suggestion two would reduce the probability that the site's driveway would be blocked by southbound queues at the intersection of East Capitol Avenue and Trimble Road. It should be noted that parking is also allowed on Trimble Avenue adjacent to the site. This will help eliminate some of the U-turn activity described above.

The project site circulation is comprised of one main driveway that runs through the site into a parking area set behind the proposed buildings. This parking lot would contain two dead-end aisles, which are generally undesirable because of problems with vehicles turning around. Because these dead-end aisles would be short (about 70 feet) and the traffic volumes onsite would be relatively low, the proposed site circulation is acceptable. However, the project's circulation could be improved by redesigning the site so that there are no dead-end aisles.

Conclusion

It is estimated that the proposed project would generate 26 trips during the AM peak hour, 56 trips during the midday peak hour, and 49 trips during the PM peak hour. The proposed project would not result in any LOS impacts at the study intersections nor create adverse impacts to pedestrian, bicycle, or transit facilities. However, the project is required to pay its "fair share" toward its cumulative impacts on Montague Expressway. The city fee calculation should be adjusted to account for the overly conservative trip generation estimate.

Project driveway should be designed and constructed in accordance with the City of Milpitas Standard Drawings for commercial/industrial uses. Final approval shall be at the discretion of the City Engineer.

Add mitigation measure of the "Fair share" contribution to the Montague Expy Improvement Project.

SYMBOLS

	COLUMN OR GRID LINE
	DRAWING IDENTIFICATION
	DRAWING NUMBER SHEET NUMBER
	BUILDING SECTIONS
	DRAWING NUMBER SHEET NUMBER
	DOOR IDENTIFICATION
	DOOR NUMBER HARDWARE GROUP
	DOOR LOUVER
	DOOR THRESHOLD
	WINDOW TYPE
	LOUVER TYPE (OTHER THAN DOOR LOUVERS)
	ROOM FINISH
	CEILING HEIGHT
	INTERIOR ELEVATION
	ELEVATION NUMBER SHEET NUMBER
	REVISION
	MATCH LINE
	WORK POINT CONTROL POINT OR DATUM POINT
	PROPERTY LINE
	EXISTING CONTOUR
	NEW CONTOUR
	NEW GRADE
	TOP OF WALL
	TOP OF CURB
	PAVEMENT GRADE

RECEIVED

APR 23 2004

CITY OF MILPITAS
PLANNING DIVISION

ENERGY CONSERVATION DESIGN COMPLIANCE

I HAVE REVIEWED THE CURRENT STATE ENERGY CONSERVATION REGULATIONS FOR RESIDENTIAL BUILDINGS IN MY PROFESSIONAL JUDGMENT, WEATHERSTRIPPING & INSULATION ON EXTERIOR WALLS & ROOF IN THIS SET OF DRAWINGS & SPECIFICATIONS, CONFORMS

ABBREVIATIONS

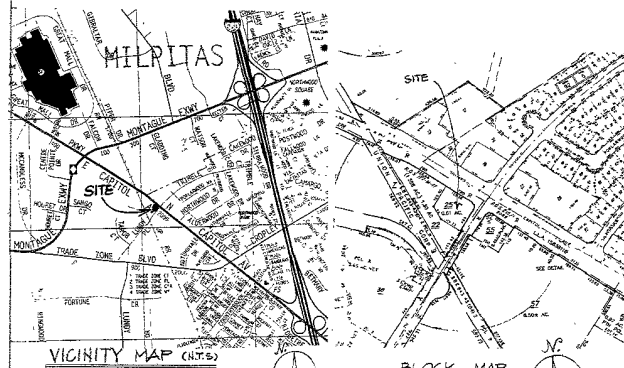
L	AND	FLOOR.	FLUORESCENT	P.T. D/R	CONSERVATION PAPER
8	ANGLE	F.O.C.	FACE OF CONCRETE	TONE DISPENSER	
Q	AT	F.O.F.	FACE OF FINISH	AND RECEPTACLE	
0	CENTERLINE	F.O.S.	FACE OF STUDS	PAPER	
1	DIAMETER OR ROUND	FRF.	FIREPROOF	PTN.	
2	PERPENDICULAR	F.S.	FULL SIZE	PTR.	
3	#	FT.	FOOT OR FEET	QT.	
(E)	EXISTING	FTG.	FOOTING		QUARRY TILE
(N)	NEW	FUR.	FURNITURE		
		FUTURE			
ACOUS.	ACCUUSTICAL			R.	RISER
A.D.	AREA DRAIN			RAD.	RADIUS
ADJ.	ADJUSTABLE	GA.	GUAGE	R.D.	ROOF DRAIN
AGGR	AGGREGATE	GR.	GRADE	REF.	REFERENCE
AL.	ALUMINUM	GR.B.	GRASS BAR	REFR.	REFRIGERATOR
APPROX.	APPROXIMATE	GL	GLASS	REG.	REGISTER
ARCH.	ARCHITECTURAL	GR.L.	GRASS	REIN.	REINFORCED
ASB.	ASBESTOS	GR.O.	GRASS	REG.	REQUIRED
ASPH.	ASPHALT	GYP.	GYP.	RESIL.	RESILIENT
				R.O.	ROUGH OPENING
				R.C.	ROUGH OPENING
				RMD.	REDWOOD
				R.W.L.	RAIN WATER LEADER
BO.	BOARD	H.B.	HOLLOW BOMB	S.	SOUTH
BITUM.	BITUMINOUS	H.C.	HOLLOW CUBE	S.C.D.	SOLID CORE
BUL.	BULDOZING	H.D.	HARDWOOD	SCHED.	SCHEDULE
BLK.	BLOCK	HOM.	HARDWARE	S.D.	SOAP DISPENSER
BLK.	BLOCKING	H.M.	HOLLOW METAL	SECT.	SECTION
BLT.	BEAM	H.H.	HORIZONTAL	SH	SHOULDER
BOT.	BOTTOM	HR.	HEIGHT	SHR	SHOWER
		HGT.	HEIGHT	SHEET	SHOWER
CAB.	CABINET			STM.	STAIR
C.B.	CATCH BASIN			S.N.D.	SANITARY NAPKIN
CEN.	CEMENT	I.D.	INSIDE DIAMETER	SPEC.	SPECIFICATION
CEM.	CEMENT	INSUL.	INSULATION	SQ.	SQUARE
C.I.	CAST IRON	INT.	INTERIOR	SST.	STAINLESS STEEL
CLS.	CEILING			S.SX.	SERVICE SINK
CLK.	CAULKING	JAN.	JANITOR	STA.	STATION
CLO.	CLOSET	JNT.	JOINT	STD.	STANDARD
CLR.	CLEAR			STL.	STEEL
COL.	COLUMN			STCR.	STORAGE
CONN.	CONNECTION	KIT.	KITCHEN	STRL.	STRUCTURAL
CONST.	CONSTRUCTION	LAB.	LABORATORY	SUSP.	SUSPENDED
CONT.	CONTINUOUS	LAM.	LAMP	SYM.	SYMMETRICAL
COVR.	COVER	LAV.	LAVATORY		
CTR.	CENTER	LCK.	LOCKER		
		LT.	LIGHT		
DBL.	DOUBLE	MAX.	MAXIMUM		
DEPT.	DEPARTMENT	M.C.	MEDICINE CABINET		
D.F.	DRINKING FOUNTAIN	MECH.	MECHANICAL		
DET.	DETAIL	MEM.	MEMBRANE		
DIA.	DIAMETER	MET.	METAL		
DIM.	DIMENSION	MFR.	MANUFACTURER		
DISP.	DRAINAGE	MN.	MANHOLE		
DN.	DOWN	MN.	MINIMUM		
D.O.	DOOR OPENING	MTR.	MIRROR		
DR.	DOOR	MIS.	MISCELLANEOUS		
DWP.	DRAINER	M.O.	MAGNETIC OPENING		
DS.	DOWNSPOUT	MUL.	MULLION		
D.S.P.	DRAIN STANPOPE				
DWG.	DRAWING				
E.	EAST				
EA.	EACH				
E.J.	EXPANSION JOINT				
EL.	ELEVATION				
ELEC.	ELECTRICAL				
ELEV.	ELEVATOR				
ENGR.	ENGINEERING				
ENCL.	ENCLOSURE				
EP.	ELECTRICAL PANELBOARD				
EQ.	EQUIPMENT				
EQPT.	EQUIPMENT				
E.W.C.	ELECTRIC WATER COOLER				
EXT.	EXISTING				
EXP.	EXPOSED				
EXP.	EXPANSION				
EXT.	EXTERIOR				
F.A.	FIRE ALARM				
F.B.	FLAT BAR				
F.D.	FLOOR DRAIN				
FDN.	FOUNDATION				
F.E.	FIRE EXTINGUISHER				
F.E.C.	FIRE EXTINGUISHER CAB.				
F.H.C.	FIRE HOSE CABINET				
FIN.	FINISH				
FL.	FLOOR				
FLASH.	FLASHING				

DRAWING INDEX

ARCHITECTURAL

- A-0 : PERSPECTIVE
- A-1 : COVER SHEET
- A-2 : SITE PLAN, 1ST FL. PLAN
- A-3 : 2ND FLOOR PLAN
- A-4 : BLDG. B' ELEVATIONS ROOF PLAN, SECTION
- A-5 : ELEVATIONS

- L-1 : LANDSCAPE PLAN
- G-1 : GRADING PLAN
- U-1 : WATER SANITARY SEWER
- STORY PLAN, SEC. 4 GAS UTILITY PLAN



BUILDING INFORMATION

OWNER'S NAME : DR. & MRS. TAN.
OWNER'S ADDRESS :

APN# : 086-037-025
ZONING : C-2 / T.O.D. GENERAL COMMERCIAL/TRANSIT ORIENTED DEV. OVERLAY ZONE
LOT SIZE : ± 0.6579 AC. BLDG. TYPE : TYPE V ONE HOUR VI
MAX FAR : 5 : 0.6579 X 50% = 0.32895 FAR PROPOSED : 0.31710577 / 0.6579 = 0.4814 / 0.6579 = 0.731 %

BUILDING FLOOR AREA		TOTAL FLOOR AREA: BLDG (A) + (B) = 2317 + 10577 = 12894	
BLDG (A)	NET FL. AREA	BLDG (B)	NET FL. AREA
1ST FL.	2317	5579	5579
2ND FL.	2317	4780	4780
TOTAL	2317	10577	10577
1ST FLOOR PARKING REQUIRED	2317/200 = 11.585	2317/200 = 11.585	2317/200 = 11.585
2ND FLOOR PARKING PROVIDED	4780/200 = 23.9	4780/200 = 23.9	4780/200 = 23.9
TOTAL REQUIRED 35.57		TOTAL PROVIDED 35.485	
PARKING PROVIDED : 40 SPACES			

NEW MIDTOWN DEVELOPMENT @
790 E. CAPITOL AVE.
MILPITAS, CALIFORNIA

L H A
LING HWA ASSOCIATES
ARCHITECTS ENGINEERS
PLANNERS

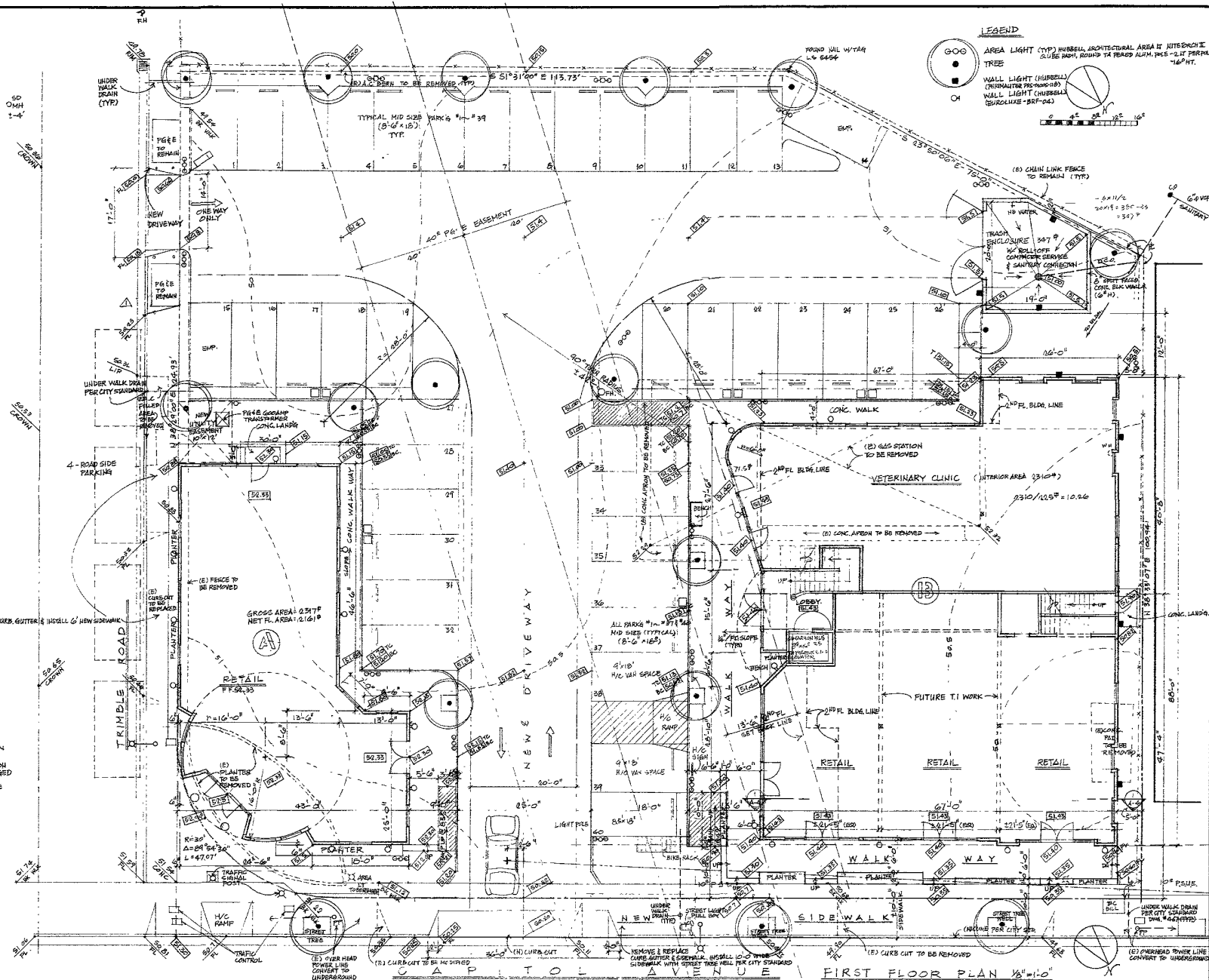
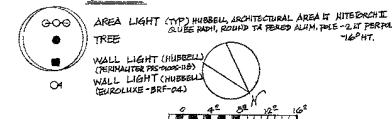
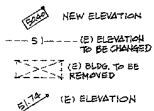
JOB NO.:
DRAWN BY:
CHECKED BY:
DATE OF ISSUE:
REVISIONS:
01/01/03
01/18/03
01/20/03

NO. 000000
EXPIRATION DATE: 01/01/06

SHEET TITLE
COVER SHEET

SHEET NO.:

A-1



FIRST FLOOR PLAN 1/8" = 1'-0"

REVISIONS	BY
4/15/03	
6/18/03	
12/18/03	31
12/18/03	31
✓ 6/10/04	32
6/16/04	33

L H A
 LING HWA ASSOCIATES
 ARCHITECTS ENGINEERS
 111 NEWPORT BLVD., SUITE 200
 MILPITAS, CA 95035

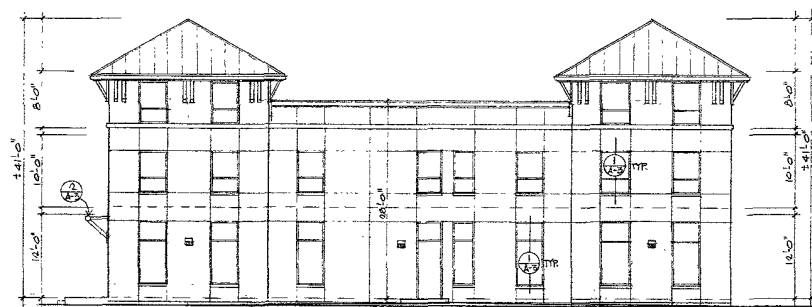
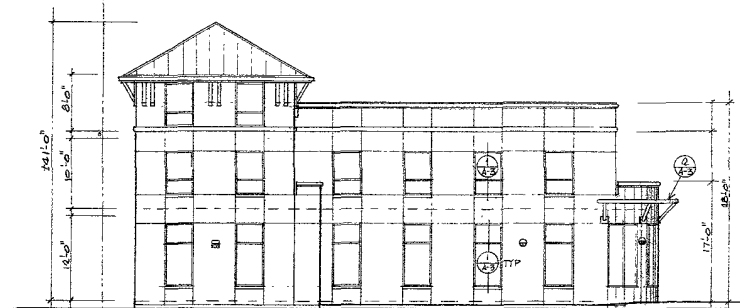
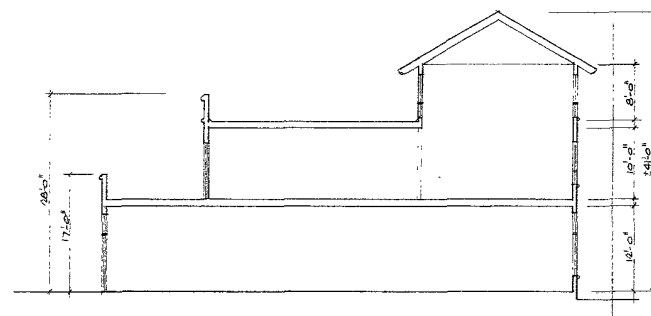
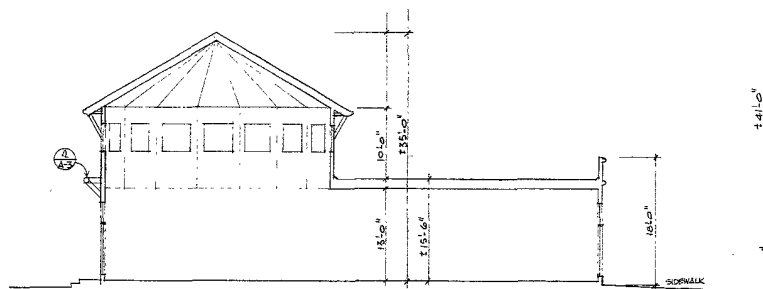
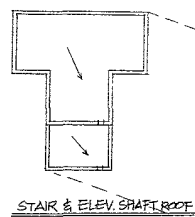
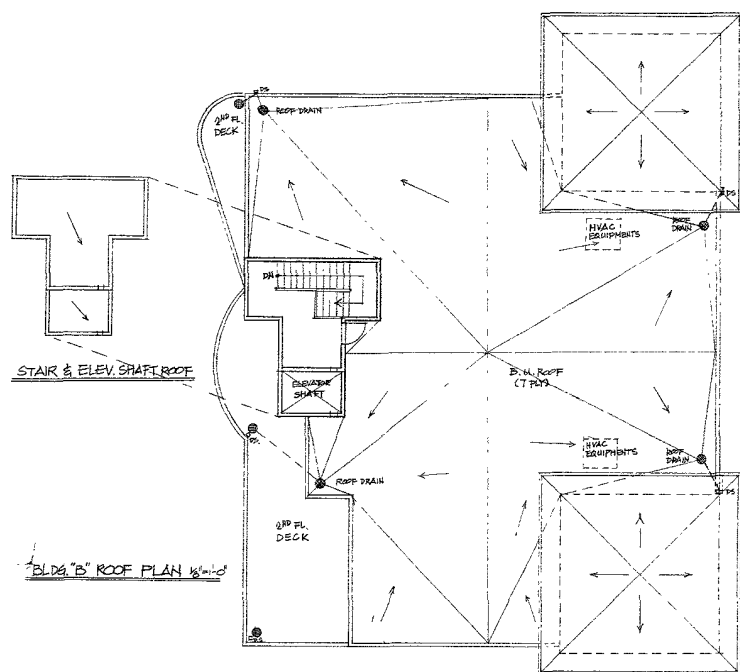
A NEW MIDTOWN DEVELOPMENT @
 790 E. CAPITOL AVE.
 MILPITAS, CALIFORNIA

SITE PLAN
 1ST. F. PLAN

Date: 4/18/03
 Scale: 1/8" = 1'-0"
 Drawn:
 Job:

Sheet: A-2
 Of: 2 Sheets

Of **Shells**



REVISIONS	DATE
4/16/04	

L H A
LUNG HWA ASSOCIATES
ARCHITECTS . ENGINEERS
SUVA, MALACA, PORT MORTO & ALI PORTA
TEL: (412) 656 8387 FAX: (412) 656 8988



**A NEW MIDTOWN DEVELOPMENT @
790 E. CAPITOL AVE.
MILPITAS, CALIFORNIA**

BLDG "B"
ROOF PLAN
ELEVATIONS
SECTION

BLDG. "A"
SECTION

Date _____

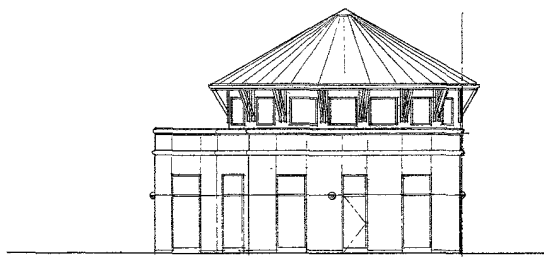
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Drawn	
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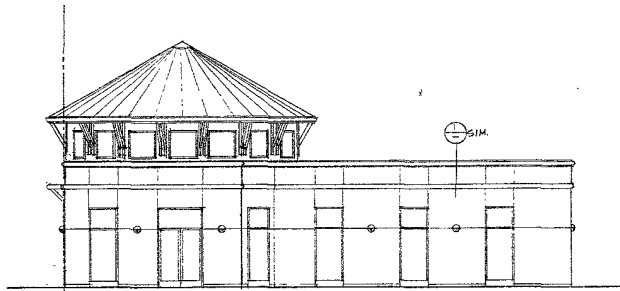
Job

Sheet 2 of 2

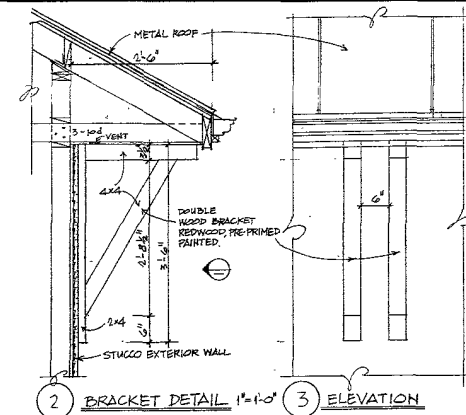
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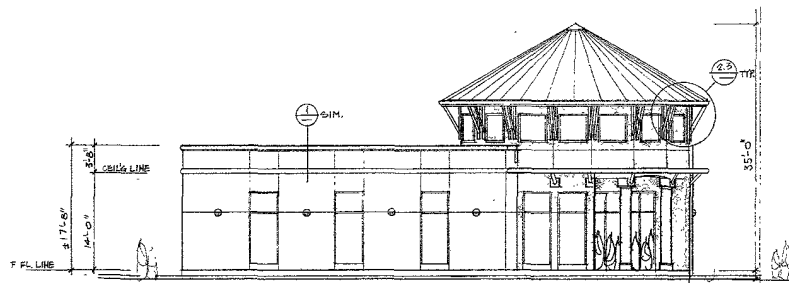
REAR ELEVATION BLDG "A"



PLAZA ELEVATION BLDG "A"



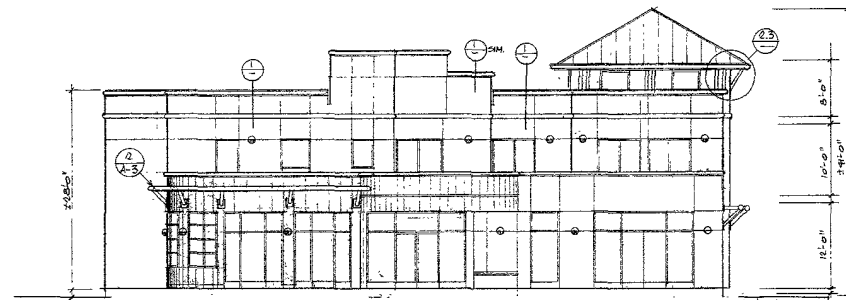
2 BRACKET DETAIL 1'-1-0" 3 ELEVATION



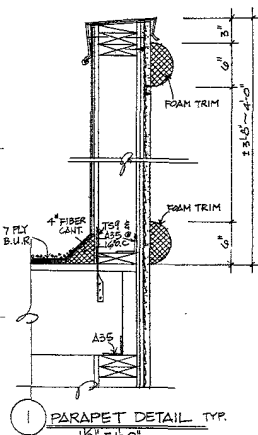
TRIMBLE ROAD ELEVATION
BLDG "A"

MATERIAL NOTES

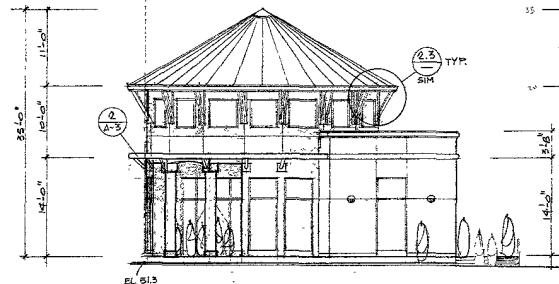
ROOF: SLOPPED ROOF - METAL
FLAT ROOF - B.L.R.
EXTERIOR WALL: STUCCO, PAINTED
WINDOW: PAINTED ALUM. FRAME, DOUBLE GLAZING
TRIM: FOAM TRIM.
BRACKET: WOOD PAINTED
SIGN BRACING: METAL TUBE



EAST ELEVATION
BLDG "B"

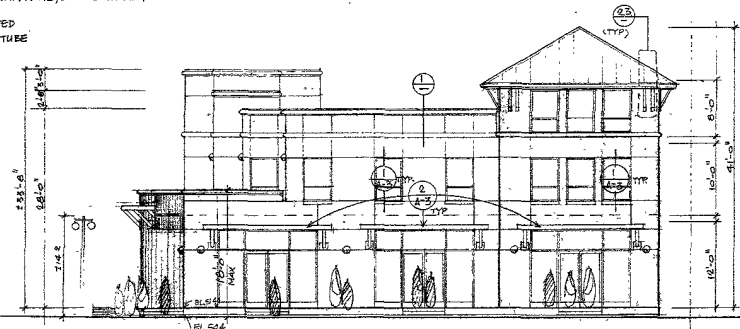


1 PARAPET DETAIL TYP.
1/2" = 1'-0"



BLDG "A"

CAPITOL AVENUE ELEVATION 1/8" = 1'-0"



BLDG "B"

REVISIONS	BY
4/29/03	
5/21/03	
4/16/04	

L H A
LUNG HWA ASSOCIATES
ARCHITECTS - ENGINEERS
111 CENTRAL AVE. #4, CHINA CITY, CA 94015



A NEW MIDTOWN DEVELOPMENT @
790 E. CAPITOL AVE.
MILPITAS, CALIFORNIA

ELEVATIONS

Date 6/10/03

Scale 1/8" = 1'-0"

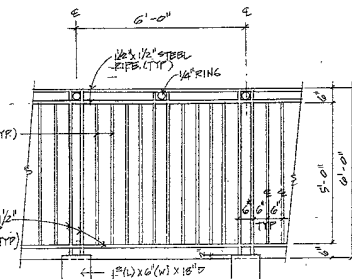
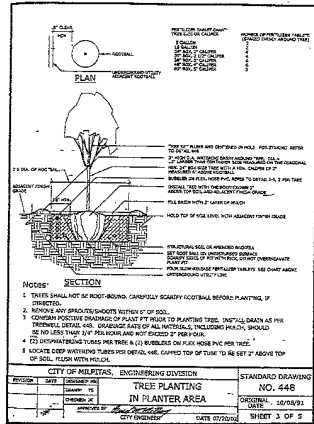
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Job

Sheet

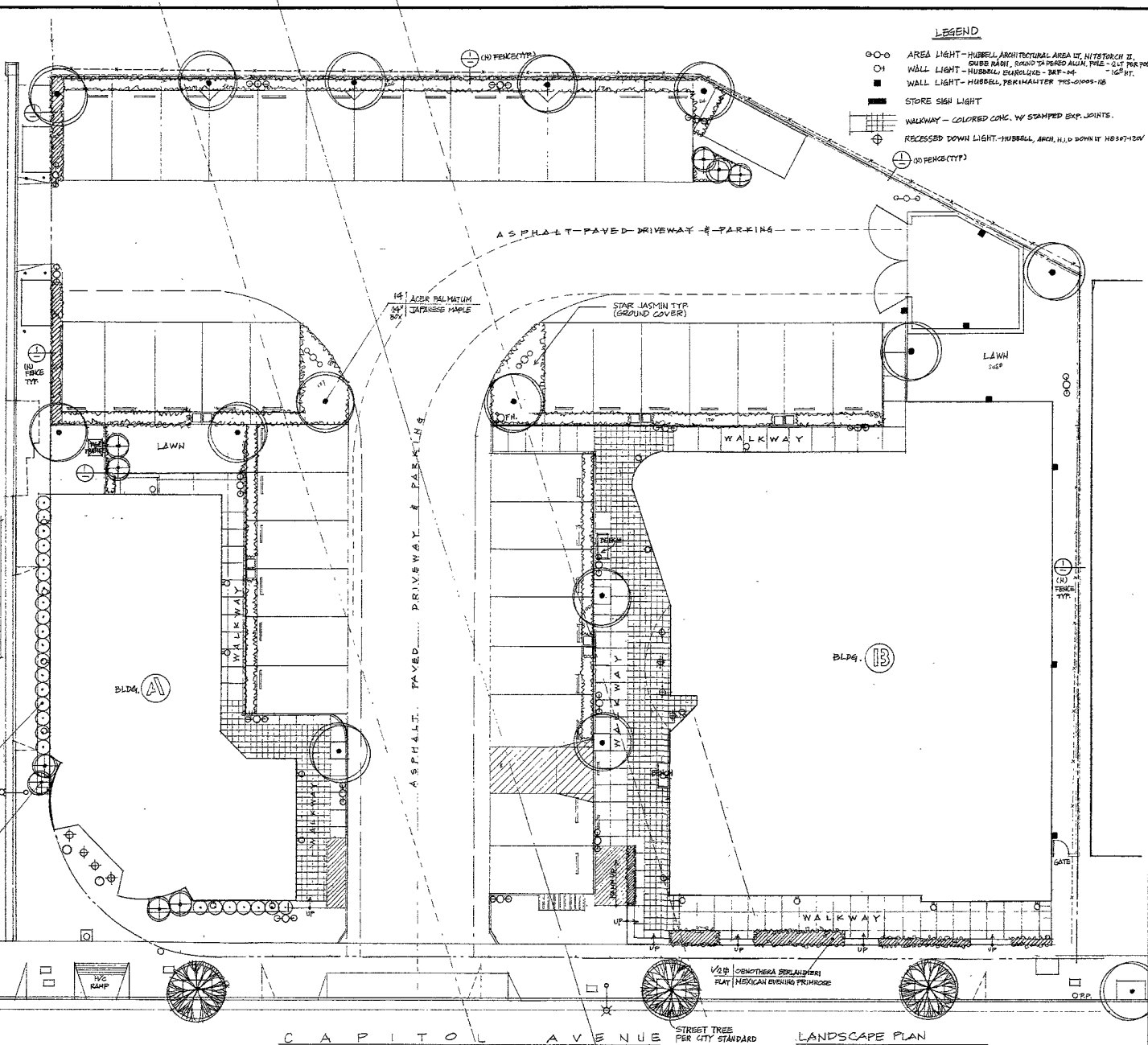
Of 15

Sheet



IRON OPEN FENCE
@ SIDE & REAR F.

- 05 HAMMIA DOMESTICA
28 HEAVENLY BAMBOO
- 06 CAMELIA JAPONICA
54 JAPANESE CAMELIA



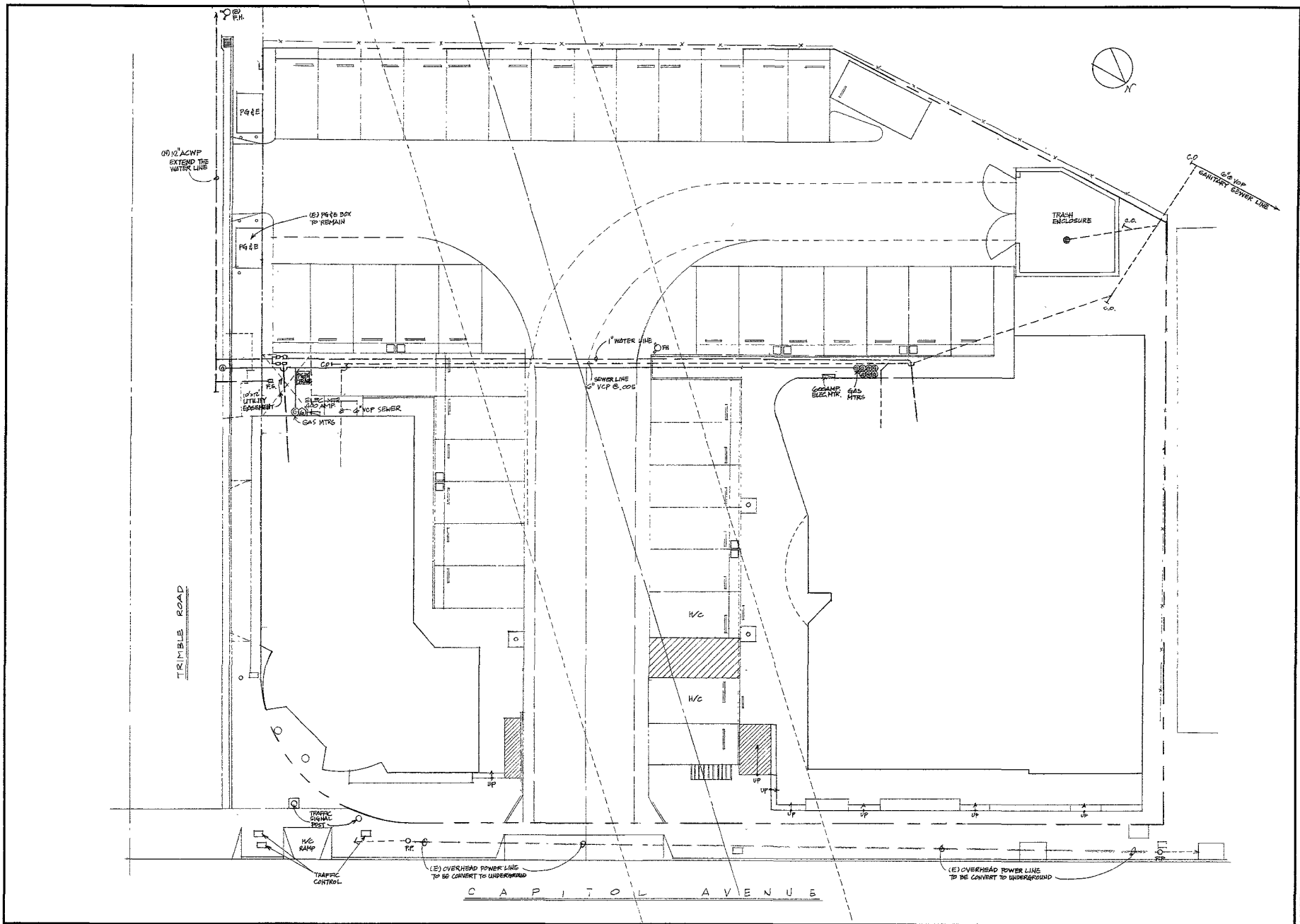
- LEGEND**
- 0-0-0 AREA LIGHT - HUBBELL, ARCHITECTURAL AREA LT, HUBBELL 12, 12\"/>

REVISIONS	BY
9/18/24	3

L H A
LUNG BWA ASSOCIATES
P.O. BOX 1000
MILPITAS, CA 95031

LANDSCAPE PLAN
W/ EXTERIOR LIGHTING

Date: 01/18/23
Scale: 1/8" = 1'-0"
Drawn: [Signature]
Check: [Signature]
Sheet: [Signature]



REVISIONS	BY
12/2/03	DL
6/18/04	DL

L H A
 LING HWA ASSOCIATES
 10000 N. DE SOTO AVE., SUITE 200
 MILPITAS, CA 95035
 TEL: (408) 261-8888 FAX: (408) 261-8889



AN NEW MIDTOWN DEVELOPMENT @
790 E. CAPITOL AVE.
MILPITAS, CALIFORNIA

WATER
 SANITARY SEWER
 ELECTRIC &
 GAS
 UTILITY PLAN

Date: 6/18/03
 Scale: 1/8" = 1'-0"
 Drawn:
 Job:
 Sheet:
 of: Sheets